

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOHNSON & JOHNSON HEALTH CARE
SYSTEMS INC.,

Civil Action No. 2:22-cv-02632-JMV-CLV

Plaintiff,

v.

SAVE ON SP, LLC,

Defendants.

**MOTION OF AIMED ALLIANCE, TRIAGE CANCER, THE HIV AND HEPATITIS
POLICY INSTITUTE, THE COALITION OF STATE RHEUMATOLOGY
ORGANIZATIONS, THE AIDS INSTITUTE, THE NATIONAL ONCOLOGY STATE
NETWORK AND THE CONNECTICUT ONCOLOGY ASSOCIATION FOR LEAVE
TO FILE AN *AMICUS CURIAE* BRIEF IN OPPOSITION TO SAVE ON SP'S MOTION
TO DISMISS**

Aimed Alliance, Triage Cancer, The HIV and Hepatitis Policy Institute, the Coalition of State Rheumatology Organizations, the Aids Institute, The National Oncology State Network and the Connecticut Oncology Association respectfully move for leave to file a brief as *amici curiae* in opposition to the Defendant's Motion to Dismiss. Plaintiff Johnson & Johnson Health Care Systems, Inc. ("Johnson & Johnson") supports this motion.

Aimed Alliance is a 501(c)(3) not-for-profit health policy organization whose mission is to protect and enhance the rights of health care consumers and providers. Aimed Alliance

advances policies to ensure that consumers, in consultation with their health care providers and loved ones, can make informed and individually appropriate decisions about their health care, and those decisions are not overridden by third parties, such as health insurers and their agents.

Aimed Alliance leads and participates in policy-focused coalition activities to advance its mission. Members of Aimed Alliance's policy coalition include health care consumers and professionals, more than 20 not-for-profit organizations, and 12 commercial supporters.¹ Aimed Alliance's organizational positions are established by its independent board of directors in accordance with its public-interest mission. The organization's principal place of business is in the District of Columbia.

Triage Cancer is a national, non-profit organization that provides free education on the legal and practical issues that may impact individuals diagnosed with cancer and their caregivers, through events, materials, and resources. Triage Cancer also continuously advocates for the health care, finances, insurance, employment, and consumer rights of those diagnosed with cancer and their caregivers.

The HIV + Hepatitis Policy Institute is a non-profit organization whose mission is to promote quality and affordable health care for people living with or at risk of HIV, hepatitis, and other serious and chronic health conditions. As part of its work, the HIV + Hepatitis Policy Institute monitors policies that impact the prevention and treatments of HIV, viral hepatitis, and other health conditions; communicates with members of their community and other patient groups on key policy issues that impact their access to health care; and educates policymakers

¹ Janssen Pharmaceuticals, Inc., an affiliate of the Plaintiff in this matter, is one of Aimed Alliance's commercial supporters. All of Aimed Alliance's commercial supporters are listed on the [Aimed Alliance website](#).

about efforts to improve access to quality and affordable health care for people with or at risk of serious chronic health conditions.

The Coalition of State Rheumatology Organizations (CSRO) is a patient advocacy organization that aims to help rheumatologists protect their patients and their livelihoods. CSRO actively advocates at the state and federal levels, focusing on educating legislators, government officials, and the corporate community on the impact that policy and procedural changes have on a patient's quality of care and disease management.

The AIDS Institute is a national nonpartisan, non-profit organization that promotes action for social change through public policy, research, advocacy and education. Moreover, the AIDS Institute is considered a national leader dedicated to supporting and protecting health care access for patients living with HIV/AIDS, Hepatitis, and patients living with chronic diseases.

The National Oncology State Network (NOSN) is a non-profit action organization developed by state leaders collaborating on emerging state issues to strengthen cancer care and policy across the United States. NOSN's policy priorities include addressing copay accumulators.

The Connecticut Oncology Association (CtOA) is a professional organization consisting of physicians and health care professionals devoted to the improvement of hematologic and oncologic care of patients. CtOA provides multidisciplinary expert input to governmental bodies, legislators, third-party payers, and others working as advocates for patient care issues.

Aimed Alliance and its fellow Friends of the Court are familiar with SaveOnSP's copay accumulator program and the harm it causes to patients, as well as the negative impacts on caregivers, health care providers, and the health care system. Aimed Alliance submitted

comments to the U.S. Department of Health and Human Services in 2021 and 2022 regarding copayment accumulator programs like SaveOnSP's and their detrimental impacts on patients. The organization frequently comments publicly regarding how such practices by SaveOnSP and others are unfair and coercive for patients. Moreover, Aimerd Alliance this year launched a "Coplay 101 Hub" on its website that details the various forms of copay accumulator programs, including the "non-essential health benefit programs" used by SaveOnSP and others.

If this case proceeds, Aimerd Alliance and other patient advocates will undertake public awareness, consumer and professional education, and advocacy activities to disseminate the facts made public in this case and this Court's holding. In doing so, we will help the public to better understand their copay obligations and the manner in which they are impacted by SaveOnSP and companies like it. A potential favorable ruling on the merits will support other complaints for injunctive relief against SaveOnSP and similar companies, and promote the legislative and regulatory changes necessary nationally to protect consumers from SaveOnSP's conduct and the deceptive business practices of similar companies.

Drawing on their substantial experience and knowledge in this area, Aimerd Alliance, Triage Cancer, The HIV and Hepatitis Policy Institute, the Coalition of State Rheumatology Organizations, the Aids Institute, the National Oncology State Network and the Connecticut Oncology Association offer an important perspective on how copayment accumulator programs like SaveOnSP's impact patients, caregivers, providers, and the overall health care system. This perspective is critical for the Court in understanding how this case impacts the public interest and assessing the sufficiency of Plaintiff's claims under GBL Section 349. Therefore, Aimerd Alliance, Triage Cancer, The HIV and Hepatitis Policy Institute, the Coalition of State

Rheumatology Organizations, the Aids Institute, the National Oncology State Network and the Connecticut Oncology Association move to file the accompanying brief *amici curiae*.

CHIESA SHAHINIAN & GIANTOMASI PC
Counsel for Amicus Curiae
Aimed Alliance

By: /s/ A. Ross Pearlson
A. ROSS PEARLSON

Dated: August 15, 2022